IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 7243/2005
(Radheshyam Sharma & Ors. Vs. State of Rajasthan & Ors.)

Date of Order : 19/02/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Dr. Sachin Acharya for the petitioners.
Mr. Rameshwar Dave, Dy. Govt. Advocate for the respondents.

BY THE COURT:-

I have heard learned counsel for the parties.

It is contended by learned counsel for the petitioners that the controversy involved in the instant writ petition stands covered by the decision of this Court in Chandra Mohan Singh and Ors. Vs. State of Rajasthan & Ors. 2004 (3) Western Law Cases (Raj.) 413.

In this view of the matter, the writ petition is allowed in terms of the decision in Chandra Mohan Singh and Ors. Vs. State of Rajasthan and Ors. (supra) and it is ordered that the impugned notification dated 8.6.2001 Annex.2 to the extent it interferes with the accrued and vested rights of the petitioners in reducing the pay scale from Rs. 6500-10500/- to Rs. 5500-9000 w.e.f. 1st July, 1998 is declared ultra vires of the Constitution of India and only to that extent it stands quashed. The petitioners

unaffected by the impugned Notification dated 8.6.2001 (Annex.2) shall be entitled to retain the pay scale of Rs. 6500-10500 and consequential monetary benefits in view of 1998 Rules which were given effect from September 1, 1996. The respondents are restrained from making any recovery in pursuance of the impugned notification and if any recovery has already been affected, the entire recovered amount shall be refunded back to the petitioners within thirty days from the date of receipt of certified copy of this order. There shall be no order as to costs.

(H.R.PANWAR),J.

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